

**REMARKS**

Claims 7, 8 and 26-33 remain pending in the application, claims 1-6 and 9-25 being canceled herein.

**Claims 17 and 18 variously over Pepe, Chack and Yeh**

In the Office Action, claims 17 and 18 were rejected under 35 USC 103(a) as allegedly being obvious over Chack in view of U.S. Pub. No. 2004/0162747 to Yeh et al. ("Yeh"); and as allegedly being obvious over Pepe and Chack in view of Yeh. Claims 17 and 18 are canceled herein, making the rejections in that regard moot. It is therefore respectfully requested that the rejections be withdrawn.

**Claims 15, 16 and 19-33 over Chack**

Claims 15, 16 and 19-33 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Pat. No. 6,751,211 to Chack ("Chack"). Claims 15, 16 and 19-25 are canceled herein, making the rejection in that regard moot. With respect to claims 26-33, the Applicants respectfully traverse the rejection.

Claims 7 and 8 recite using call related information to provide an email after a communications device calls a first phone number and **without answering the call** to the first phone number. Claims 26-33 recite using call related information to retrieve pre-designated information in response to a call from a first device **without answering the call** from the first device; and transmitting the retrieved pre-designated information to a second telephone number.

Chack appears to teach association of a received TRANSACTION with a URL. (See Abstract; col. 6, lines 11-18) This is EXACTLY what the present invention AVOIDS: the need for a TRANSACTION to obtain information.

In particular, the present invention explains that there was a need at the time of the invention for a system and method of obtaining information in an inexpensive manner. It is explained that the recipient of a phone call

TERMINATES THE CALL BEFORE it is established. (See, e.g., page 8, lines 14-19). In this way, "the recipient avoids incurring airtime charges for use of their mobile communications device in calling [an] information retrieval system 100, while still enabling the information retrieval system 100 to determine the identity of the recipient and the information desired." (Specification, page 8, lines 24-28). Thus, NO TRANSACTION OCCURS!

The present invention requires use of **CALL RELATED INFORMATION to retrieve and provide pre-designated information - without answering the call to the first telephone number**, as explicitly recited in claims 7, 8 and 26-33.

For at least all these reasons, claims 26-33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 1-16 and 19-33 over Pepe and Chack**

Claims 1-16 and 19-33 were rejected under 35 USC 103(a) as allegedly being obvious over Pepe in view of Chack; and claims 23, 27 and 31 were rejected under 35 USC 103(a) as allegedly being obvious over Chack in view of U.S. Pat. No. 5,742,668 to Pepe et al. ("Pepe"). Claims 1-6, 9-16 and 19-25 are canceled herein, making the rejections in that regard now moot. With respect to claims 7, 8 and 26-33, the Applicants respectfully traverse the rejections.

As explained above, Chack fails to teach ANY function based on the ABSENCE of a transaction, or the use of **CALL RELATED INFORMATION to retrieve and provide pre-designated information - without answering the call to the first telephone number**, as explicitly recited in claims 7, 8 and 26-33.

The Examiner cites Pepe for allegedly teaching the delivery of information to PDAs. Even so, Pepe nevertheless fails to teach ANY actions taking place WITHOUT a call being established, much less the use of **CALL RELATED INFORMATION to retrieve and provide pre-designated information - without answering the call to the first telephone number**, as

explicitly recited in claims 7, 8 and 26-33.

Accordingly, claims 7, 8 and 26-33 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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